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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-07-00457 RMW
	)	
12 Plaintiff,	)	UNOPPOSED MOTION FOR EXTENSION
	)	OF SELF-SURRENDER DATE
13 vs.	)	
	)	
14 MICHAEL GAITHER,	)	
	)	
15 Defendant.	)	
_____	)	
16		

17 Michael Gaither, by and through his counsel hereby moves the Court to extend his self-  
18 surrender date from July 1, 2008, to August 1, 2008. The reason for this motion is to allow Mr.  
19 Gaither to care for Ms. Shawna Terry, his fiancée, after she delivers their child by caesarian.  
20 This motion is unopposed by the government and by Pretrial Services.

21 Mr. Michael Gaither pled guilty to being a felon in possession of a firearm and was  
22 sentenced on November 30, 2007, to the custody of the Bureau of Prisons for a period of 18  
23 months. At sentencing, the Court set a distant self-surrender date, due to the fact that Ms.  
24 Shawna Terry, Mr. Gaither's fiancée was due to give birth to their child in mid June.

25 I am informed and believe that Mr. Gaither and Ms. Terry have recently learned that her  
26 delivery is expected to be by caesarian. The procedure is currently scheduled for June 14, 2008.

1 Mr. Gaither would like a little more time than he first requested, because he understands that Ms.  
2 Terry will need more assistance after a caesarian than she would have needed after natural  
3 childbirth. For that reason, Mr. Gaither asks that his self-surrender date be extended to August 1,  
4 2008, by 2:00 p.m.

5 Undersigned counsel has spoken with Assistant United States Attorney Hanley Chew,  
6 who is handling this matter for the government. Mr. Chew stated that he had no objection to the  
7 request.

8 Undersigned counsel has spoken with Officer Anthony Granados of Pretrial Services,  
9 who supervises Mr. Gaither while on release in this matter. Officer Granados stated that he did  
10 not oppose the motion.

11 I, Nicholas Peter Humy, am an Assistant Federal Public Defender assigned by my office  
12 to handle this matter. By signing and filing this motion, I hereby declare under penalty of perjury  
13 that the facts asserted in this motion are true and correct, except for those facts asserted under  
14 advisement and belief, and as to those facts I am advised and do believe them to be true.

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16 Dated: June 10, 2008

17 Respectfully submitted,

18 BARRY J. PORTMAN  
19 Federal Public Defender

20 /s/

21 NICHOLAS PETER HUMY  
22 Assistant Federal Public Defender  
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